

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

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**IN RE: LIPITOR (ATORVASTATIN  
CALCIUM) MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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) **MDL No. 2:14-mn-02502-RMG**  
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) **This Document Relates to All Actions**  
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**JOINT STATUS REPORT FOR STATUS CONFERENCE ON APRIL 25, 2014**

Pursuant to this Court's Case Management Order No. 2, the parties provide this joint status report in advance of the status conference scheduled for April 25, 2014.

**(a) A summary of the discovery conducted since the last status conference:**

Although discovery has been stayed to allow the Court to appoint Plaintiffs' leadership, the parties have been working cooperatively to address several important discovery matters since the last status conference on March 27, 2014.

First, on April 9, 2014, counsel for Pfizer and counsel representing the Plaintiffs' Steering Committee ("PSC") met and conferred in person about electronic discovery matters, including the search terms to be applied to Pfizer's custodial documents. Pfizer has provided updated proposed search terms for the PSC's consideration and has agreed to apply them to certain agreed-upon custodial collections and to produce responsive documents from such collections within the next month. The parties have continued to confer by telephone and email about these issues and are working to resolve or significantly narrow any issues that remain for the Court to address at the conference on April 25.

Second, on April 14, 2014, the parties exchanged draft proposed case management orders that include discovery plans and schedules and address various aspects of written discovery, document discovery, and deposition discovery of both sides. The parties met and conferred by phone on April 15, 2014, and are working to submit a joint proposed case management order and schedule by April 22, 2014.

Third, Pfizer has agreed to supplement its prior productions of New Drug Application (“NDA”) and clinical trial materials with various documents that Plaintiffs have requested and is in the process of preparing those documents for production by April 25, 2014.

**(b) Updates about related federal cases not yet transferred to this District:**

The parties have been systematically tagging for transfer by the JPML other related federal cases that have been filed around the country and the JPML has issued Conditional Transfer Orders (“CTOs”) 1 through 19, many of which have been finalized. There are approximately 204 cases that are or will be subject to such CTOs that have not yet been physically transferred to this Court but are expected to be within the coming weeks. Pfizer’s counsel is monitoring these transfer proceedings and working to ensure that all eligible cases are tagged and transferred.

There are approximately 87 cases, involving 3,040 plaintiffs (many of the complaints name multiple plaintiffs), that were removed from state court to federal court (85 in California, one in Missouri, and one in Illinois) and are subject to CTOs issued by the JPML. Plaintiffs in those cases have moved to vacate the applicable CTOs, and the parties are currently briefing those motions. The JPML has set the majority of the motions for its May 29, 2014, hearing session (without oral argument), and the parties expect the JPML to issue a decision regarding transfer on or about that date.

**(c) Updates about related state cases:**

There are several related cases pending in various state courts, all in their initial stages of litigation. The cases are identified below:

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<i>Almond, et al. v. Pfizer Inc.</i> , No. 13-C-59, W. Va. Cir. Ct. (McDowell Cty.) Judge Rudolph J. Murensky, II	Richardson, Patrick, Westbrook & Brickman, LLC	40 Plaintiffs	Removed and remanded to state court. Pfizer's motion for referral to West Virginia Mass Torts Panel is currently pending.
<i>Jackson, et al. v. Pfizer Inc.</i> , No. 1322-CC09218, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.) Judge John Garvey	Simmons Browder Gianaris Angelides & Barnerd LLC ("Simmons")	70 Plaintiffs	Removed and remanded to state court. Scheduling conference set for May 12, 2014.
<i>Lovett, et al. v. Pfizer Inc.</i> , 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.), 1422-CC00225 Judge Philip Heagney	Simmons	89 Plaintiffs	Removed and remanded to state court.
<i>Maus v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360862 (Not yet assigned)	Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP ("Hanly Conroy")	1 Plaintiff	Status conference not yet scheduled.
<i>Montgomery v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360863 (Not yet assigned)	Hanly Conroy  Simmons	1 Plaintiff	Status conference not yet scheduled.

**(d) Any issues that the parties wish to raise to the Court, and (e) if the parties have differing views on issues raised to the Court, their respective positions on these issues:**

The parties are continuing to discuss outstanding discovery and case management issues as noted above and may need to raise any unresolved issues with the Court. Plaintiffs may also want to raise the following at the April 25th conference: 1) documents withheld as “nonresponsive” (parent/child attachments); 2) search terms to be applied to custodial documents; 3) finalizing the ESI protocol; 4) the production of SAS codes or codebooks for clinical study data; and 5) supplementation or production of certain FDA annual reports. Pfizer intends to provide documents or other information regarding these issues by early next week, and the parties will continue working toward resolution of the issues in advance of the conference.

In addition, to the extent Plaintiffs have not agreed to adopt in the MDL the protective order agreed-upon and entered by this Court in the *Smalls* coordinated cases, Pfizer would like to discuss this issue at the April 25th conference.

DATED: April 17, 2014

Respectfully submitted,

By: /s/ H. Blair Hahn

H. Blair Hahn

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**CERTIFICATE OF SERVICE**

I hereby certify that, this 17<sup>th</sup> day of April, 2014, I have electronically filed a copy of the above and foregoing with Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

s/ Rachel Passaretti-Wu